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all days including Sundays and holidays must be counted.

- (2) The Chief, Common Carrier Bureau, may require the deferral of the effective date of any tariff filing made on less than 120 days' notice, so as to provide for a maximum of 120 days' notice, or of such other maximum period of notice permitted by Section 203(b) of the Communications Act, regardless of whether petitions under § 1.773 of the Commission's rules have been filed.
 - (3) Tariff filings proposing corrections must be made on at least 3 days' notice, and may be filed notwithstanding the provisions of § 61.59. Corrections to tariff materials not yet effective cannot take effect before the effective date of the original material.
 - (4) ~~This subsection applies only to dominant carriers.~~ If a dominant carrier the tariff publication would increase any rate or charge, or would effectuate and authorize discontinuance, reduction or other impairment of service to any customer, the offering carrier must inform the affected customers of the content of the tariff publication. Such notification should be made in a form appropriate to the circumstance, and may include written notification, personal contact, or advertising in newspapers of general circulation.
- (b) *Non-dominant carriers.* Tariff filings of non-dominant carriers must be made on at least 14 days' notice.
- (c) *Dominant interexchange carriers subject to price cap regulation.* This paragraph applies only to dominant interexchange carriers subject to price cap regulation. Such carriers must file tariffs according to the following notice periods.
- (1) For annual adjustments to the PCI, API, and SBI values under §§ 61.3444, 61.3546, and § 61.3647, respectively, dominant interexchange carrier filings must be made on at least 45 days' notice. ~~For annual adjustments to the PCI, API, and SBI values under §§ 61.45, 61.46, and § 61.47, respectively, local exchange carrier tariff filings must be made on not less than 90 days' notice.~~
 - (2) Tariff filings that do not cause any API to exceed any applicable PCI pursuant to calculations provided for in § 61.3546 of this part, and that do not cause any SBI to

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exceed its banding limitations established in § 61.3647 of this part, must be made on at least 14 days' notice, provided that the tariff filing is restricted to one or more of the following changes to the tariff:

- (i) alters only a rate level;
 - (ii) adds a geographic location;
 - (iii) eliminates a rate element; or
 - (iv) changes the number or size of taper points in a volume discount plan without changing the initial volume quantity associated with the lowest discount level or the highest volume quantity associated with the highest discount level.
- (3) Tariff filings that will cause any API to exceed its applicable PCI pursuant to calculations provided for in § 61.3546 of this part, that will cause any SBI to exceed its upper banding limitations established in §§ 61.3647(e) and (f) of this part, or that will cause the composite average residential rate to exceed its limitation on upward pricing flexibility established in § 61.3647(g) of this part, must be made on at least 120 days' notice, or such other maximum period of notice permitted by Section 203(b) of the Communications Act, regardless of whether petitions under § 1.773 of the Commission's Rules have been filed.
- (4) Tariff filings that will cause any SBI to decrease below its lower banding limit established in § 61.3647(e), must be made on at least 45 days' notice.
- (5) Tariff filings involving a change in rate structure of service included in a basket listed in § 61.3342(a) or § 61.3342(d), or the introduction of a new service within the scope of § 61.3342(g), must be made on at least 45 days' notice.
- (6) Tariff filings involving services included in § 61.3342(c), 61.42(f), except for services included in § 61.3342(c)(1) and (c)(10), must be made on at least 14 days notice.
- (7) The required notice for services included in § 61.3342(c)(1), and (c)(10), tariff filings involving services included in § Y.202(c)61.42(f), or tariff filings involving changes in tariff

regulations, other than tariff regulations for services described in paragraph (c)(6), shall be that required in connection with such filings by dominant carriers that are not subject to price cap regulation.

(d) Local Exchange Carriers. This paragraph applies to local exchange carriers subject to price cap or rate of return regulation. Such carriers must file tariffs according to the following notice periods.

(1) Annual or biennial tariff filings must be made on not less than 90 days' notice.

(2) Within Band Filings

(i) Price cap local exchange carrier filings that do not cause any API to exceed any applicable PCI pursuant to calculations provided for in § Y.204, and that do not cause any MABI to exceed its banding limitations established in § Y.205(d)(1) or (2), must be made on at least 14 days' notice.

(ii) Filings by non-price cap local exchange carriers which satisfy the requirements of § Y.305(b), (c), and (e) or of § Y.306(a)(1) or (a)(2)(i) and (iii), must be filed on at least 14 days' notice.

(3) Above Band Filings.

(i) Price cap local exchange carrier filings that will cause any API to exceed its PCI pursuant to calculations provided for in § Y.204, or that will cause any MABI to exceed its upper banding limitation established in § Y.205(d)(1) or (2), must be made on at least 120 days' notice.

(ii) Filings by non-price cap local exchange carriers which cause aggregate revenue for an access category to exceed that revenue requirement for that category as

established in § Y.305(e), or § Y.306(a)(1)(i), or (2)(iii), or which cause any MABI to exceed its upper band limitation established in § Y.305(b) and (c), or § Y.306(a)(1)(ii) or (iii), or which cause any rate element to exceed the upper band established in § Y.306(a)(2)(i), shall be filed on at least 120 days' notice.

(4) Below Band Filings

- (i) Price cap local exchange carrier filings that will cause any MABI to decrease below its lower banding limitations established in § Y.205(d)(1) or (2), must be made on at least 45 days' notice.**
- (ii) Filings by non-price cap local exchange carriers which cause any MABI to decrease below its lower banding limitation in § Y.305(b) and (c), or § Y.306(a)(1)(ii) or (iii) shall be filed on at least 45 days' notice.**

(5) Filings to Establish New Services

- (i) Tariff filings to establish a new service within an IMA shall be filed on at least 45 days' notice.**
- (ii) Tariff filings to establish a new service within a TMA shall be filed on at least 21 days' notice.**
- (iii) Tariff filings to establish a new service within a CMA shall be filed on at least 14 days' notice.**
- (iv) Notwithstanding the provisions of (i) or (ii), tariff filings which establish a new service pursuant to the provisions of § 61.41(1) or § 61.42(d) shall be filed on at least 14 days' notice.**

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- (6) Filings Which Change Rate Structure.** Price cap filings by local exchange carriers which involve a change in rate structure for services within an IMA or TMA shall be filed on not less than 21 days' notice.
- (7) CMA Price Changes.** Any filing by a local exchange carrier to modify rates, or to change tariff regulations, for services within a CMA must be made on at least 7 days' notice.
- (8) Contract-based Tariffs.**
 - (i)** Any filing by a local exchange carrier to establish a contract-based tariff for service in a TMA pursuant to § 61.40 must be filed on at least 21 days' notice.
 - (ii)** Any filing by a local exchange carrier to establish a contract-based tariff for services in a CMA pursuant to § 61.40 must be filed on at least 14 days' notice.
- (9) Service Excluded from Price Cap Regulation or from Revenue Requirements.**
 - (i)** Any filings which involve IMA services listed in § Y.202(c)(1), (2), or (3), or in § Y.303(a) or (b), shall be made on at least 45 days' notice.
 - (ii)** Any filings which involve TMA services listed in § Y.202(c)(1), (2) or (3) or in § Y.303(a) or (b), shall be made on at least 21 days' notice.
 - (iii)** Any filings which involve CMA services listed in § Y.202(c)(1), (2) or (3) or in § Y.303(a) or (b), shall be made on at least 14 days' notice.

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- (10) Tariff filings pursuant to § 61.29 which propose to create new IMAs, to move one or more wire centers from an IMA to a TMA, or which propose to designate a wire center as a CMA, must be filed on at least 21 days' notice.**
- (11) Other Tariff Filings.**

 - (i) All other tariff filings related to services within an IMA or TMA must be filed on at least 21 days' notice.**
 - (ii) All other tariff filings related to services within a CMA must be filed on at least 14 days' notice.**
- (ed) Other carriers.**

 - (1) Tariff filings in the instances specified in paragraphs (i), (ii), and (iii) of this section must be made on at least 15 days' notice.**

 - (i) Tariffs filed in the first instance by new carriers.**
 - (ii) Tariff filings involving new rates and regulations not previously filed at, from, to or via points on new lines; at, from, to or via new radio facilities; or for new points of radio communication.**
 - (ii) Tariff filings involving a change in the name of a carrier, a change in Vertical and Horizontal coordinates (or other means used to determine airline mileages), a change in the lists of mileages, a change in the lists of connecting, concurring or other participating carriers, text changes, or the imposition of termination charges calculated from effective tariff provisions. The imposition of termination charges does not include the initial filing of termination liability provisions.**
 - (2) Tariff filings involving a change in rate structure, a new service offering, or a rate increase must be made on at least 45 days' notice.**

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- (3) All tariff filings not specifically assigned a different period of public notice in this part must be made on at least 35 days' notice.
- (e) ~~Carriers subject to optional incentive regulation. This paragraph applies only to carriers subject to Section § 61.50 of this Part. Such carriers must file tariffs according to the following notice periods:~~
 - (1) ~~For initial and renewal tariff filings whose effective date coincides with the start of any two year tariff period as defined in § 60.3(f) of this chapter, filings must be made on not less than 90 days' notice.~~
 - (2) ~~For rate revisions made pursuant to § 61.50(g) and (i), and § 61.30(d), tariff filings must be made on not less than 14 days' notice.~~

§ 61.59 Effective period required before changes.

Except as provided in § 61.58(a)(3) or except as otherwise authorized by the Commission, new rates or regulations must be effective for at least 30 days before any change may be made.

§ 61.67 New or discontinued telephone and teletypewriter service points; mileages.

Message toll telephone service points and teletypewriter exchange service points added or discontinued during a calendar month may be filed not later than 20 days after the end of such month where the basic schedules of rates and regulations applicable to such message toll telephone and teletypewriter exchange service points are effective and the effective date of each addition and discontinuance is shown.

§ 61.68 Special Notations.

- (a) A tariff filing must contain a statement of the authority for any matter to be filed on less than the notice required in § 61.58. The following must be used:

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"Issued on not less than ____ days' notice under authority of ____ (specific reference to the special permission, decision, order or section of these rules)." If all the matter in a tariff publication is to become effective on less than the notice required in § 61.58, specific reference to the Commission authority must be shown on the title page. If only a part of the tariff publications is to become effective on less than the notice required in Section § 61.58, reference to the Commission authority must appear on the same page(s), and be associated with the pertinent matter.

- (b) When a portion of any tariff publication is issued in order to comply with the Commission order, the following notation must be associated with that portion of the tariff publication:

"In compliance with the order of the Federal Communication Commission in ____ (a specific citation to the applicable order should be made)."

§ 61.69 Rejection.

When a tariff publication is rejected by the Commission, its number may not be used again. The rejected tariff publication may not be referred to as canceled or revised. The publication that is subsequently issued in lieu of the rejected tariff publication must bear the notation.

"In lieu of ____, rejected by the Federal Communications Commission."

§ 61.71 Reissued matter.

Matter in effect for less than 30 days and brought forward without change from another tariff publication must bear the appropriate symbol provided in § 61.54(i)(1) for reissued matter. The number and original effective date of the tariff publication in which the matter was originally published must be associated with the reissued matter.

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§ 61.72 Posting.

- (a) Offering carriers must post (i.e., keep accessible to the public) during the carrier's regular business hours, a schedule of rates and regulations. This schedule must include all effective and proposed rates and regulations pertaining to the services offered to and from the community or communities served, and must be the same as that on file with the Commission. This posting requirement must be satisfied by the following methods:
 - (1) Where the filing has an office or offices open to the public in states or territories of the United States, the carrier must post the schedule of rates and regulations in one office in each state or territory of its operation.
 - (2) A carrier must provide a telephone number for public inquiries about information contained in its tariffs. This telephone number should be made readily available to all interested parties.
 - (3) A carrier must post a notice in each business office of the carrier open to the public in that state or territory, stating the street address of the location in which the schedule of rates and regulations can be found and the telephone number for public inquiries on tariffs.
- (b) The posting of rates and regulations shall be considered timely if they are available for public inspection at the posting locations within 15 days of their filing with the Commission.

§ 61.73 Duplication of rates or regulations.

A carrier concurring in schedules of another carrier must not publish conflicting or duplicative rates or regulations.

§ 61.74 References to other instruments.

- (a) Except as otherwise provided in this and other sections of this part, no tariff publication filed with the Commission may make reference to any other tariff publication or to any other document or instrument.
- (b) Tariffs for end-on-end through services may reference the tariffs of other carriers participating in the offering.
- (c) Tariffs may reference concurrences for the purpose of starting where rates or regulations applicable to a service not governed by the tariff may be found.
- (d) Tariffs may reference technical publications.

Subpart D - Concurrences

§ 61.131 Scope.

Sections 61.132 through 61.136 apply to a carrier which must file concurrences reflecting rates and regulations for through service provided in conjunction with other carriers and to a carrier which has chosen, as an alternative to publishing its own tariff, to arrange concurrence in an effective tariff of another carrier. Limited or partial concurrences will not be permitted.

§ 61.132 Method of filing concurrences.

A carrier proposing to concur in another carrier's effective tariff must deliver two copies of the concurrence to the issuing carrier in whose favor the concurrence is issued. The concurrence must be signed by an officer or agent of the carrier executing the concurrence, and must be numbered consecutively in a separate series from its FCC tariff numbers. At the same time the issuing carrier revises its tariff to reflect such a concurrence it must submit both copies of the concurrence to the Commission. The concurrence must bear the same effective date as the date of the tariff filing reflecting the concurrence.

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§ 61.133 Format of concurrences.

- (a) Concurrences must be issued in the following format:

CONCURRENCE

F.C.C. Concurrence No. _____

(Cancels F.C.C. Concurrence No. _____)

(Name of Carrier _____)

(Post Office Address _____)

(Date) _____ 19____

Secretary,

Federal Communications Commission,
Washington, D.C. 20554

This is to report that (name of concurring carrier) assents to and concurs in the tariffs described below. (Name of concurring carrier) thus makes itself a party to these tariffs and obligates itself (and its connecting carriers) to observe every provision in them, until a notice or revocation is filed with the Commission and delivered to the issuing carrier.

This concurrence applies to interstate (and foreign) communication:

1. Between the different points on the concurring carrier's own system;
2. Between all points on the concurring carrier's system and the systems of its connecting carriers; and
3. Between all points on the system of the concurring carrier and the systems of its connecting carriers on the one hand, and, on the other hand, all points on the system of the carrier issuing the tariff or tariffs listed below and the systems of its connecting carriers and other carriers with which through routes have been established.

(NOTE: Any of the above numbered paragraphs may be omitted or

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the wording modified to state the points to which the concurrence applies.)

TARIFF

Here describe the tariff or tariffs concurred in by the carrier, specifying FCC number, title, date of issuance, and date effective. Example: A.B.C. Communications Company, Tariff FCC No. 1, Interstate Telegraph Message Service, Issued January 1, 1983, Effective April 1, 1983).

Cancels FCC Concurrence No. _____, effective _____,
19____.

(Name of concurring carrier) _____

By _____

(Title) _____

- (b) No material is to be included in a concurrence other than that indicated in the above-prescribed form, unless specially authorized by the Commission. A concurrence in any tariff so described will be deemed to include all amendments and successive issues which the issuing carrier may make and file. All such amendments and successive issues will be binding between customers and carriers. Between carriers themselves, however, the filing by the issuing carrier of an amendment or successive issue with the Commission must not imply or be construed to imply an agreement to the filing by concurring carriers. Such filings do not affect the contractual rights or remedies of any concurring carrier(s) which have not, by contract or otherwise, specifically consented in advance to such amendment or successive issue.

§ 61.134 Concurrences for through services.

A carrier filing rates or regulations for through services between points on its own system and points on another carrier's system (or systems), or between points on another carrier's system (or systems), must list all concurring, connecting or other participating carriers as provided in § 61.54(f), (g) and (h). A concurring carrier must tender a properly executed instrument of concurrence to the issuing carrier. If rates and regulations of the other carriers engaging in the through service(s) are not specified in the issuing carrier's tariff, that tariff

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must state where the other carrier's rates and regulations can be found. Such reference(s) must contain the FCC number(s) of the referenced tariff publication(s), the exact name(s) of the carrier(s) issuing such tariff publication(s), and must clearly state how the rates and regulations in the separate publications apply.

§ 61.135 Concurrences for other purposes.

When an issuing carrier permits another carrier to concur in its tariff, the issuing carrier's tariff must state the connecting carrier's rates and points of service.

§ 61.136 Revocation of concurrences.

A concurrence may be revoked by a revocation notice or canceled by a new concurrence. A revocation notice or a new concurrence, if less broad in scope than the concurrence it cancels, must bear an effective date not less than 45 days after its receipt by the Commission. A revocation notice is not given a serial number, but must specify the number of the concurrence to be revoked and the name of the carrier in whose favor the concurrence was issued. It must be in the following format:

REVOCATION NOTICE

(Name of carrier _____)

(Post office address _____)

(Date) _____, 19____.

Secretary,
Federal Communications Commission,
Washington, D.C. 20554

Effective _____ 19____ FCC concurrence No. _____, issued by (Name of concurring carrier) in favor of (Name of issuing carrier) is hereby canceled and revoked. Rates and regulations of (Name of concurring carrier) and its connecting carriers will thereafter be found in Tariff FCC No. _____ issued by _____ (If the concurring carrier has ceased operations, the revocation notice must so indicate.)

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(Name of carrier) _____

By _____

(Title) _____

Subpart E - Applications for Special Permission

§ 61.151 Scope.

Sections 61.152 and 61.153 set forth the procedures to be followed by a carrier applying for a waiver of any of the rules in this part.

§ 61.152 Terms of applications and grants.

Applications for special permission must contain:

- (a) a detailed description of the tariff publication proposed to be put into effect;
- (b) a statement citing the specific rules and the grounds on which waiver is sought; and
- (c) a showing of good cause; and
- (d) a statement as to the date and method of filing the original of the application for special permission as required by § 61.153(b) and the date and method of filing the copies required by §61.153(a) and (c).

§ 61.153 Method of filing applications.

- (a) An application for special permission must be addressed to "Secretary, Federal Communications Commission, Washington, D.C. 20554." The date on which the application is received by the Secretary of the Commission (or the Mail Room where submitted by mail) is considered the official filing date.

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- (b) In addition, for all special permission applications requiring fees as set forth at Part 1, Subpart G of this chapter, the issuing carriers must submit the original of the application letter (without attachments), FCC Form 155, and the appropriate fee to the Mellon Bank, Pittsburgh, PA at the address set forth in § 1.1105. The carrier should submit these fee materials on the same date as the submission in paragraph (a).
- (c) In addition to the requirements set forth in paragraphs (a) and (b) of this section, the issuing carrier must send a copy of the application letter with all attachments to the Secretary, Federal Communications Commission, and a separate copy with all attachments to the Chief, Tariff Review Branch. If a carrier applies for special permission to revise joint tariffs, the application must state that it is filed on behalf of all carriers participating in the affected service. Applications must be numbered consecutively in a series separate from the FCC tariff numbers, bear the signature of the officer or agent of the carrier, and be in the following format:

Application No. _____

(Date) _____

Secretary
Federal Communications Commission,
Washington, D.C. 20554

Attention: Common Carrier Bureau (here provide the statements required by § 61.152).

(Exact name of carrier) _____

(Name of officer or agent) _____

(Title of officer or agent) _____

**Subpart F - Adoption of Tariffs and Other Documents of
Predecessor Carriers**

§ 61.171 Adoption notice.

When a carrier's name is changed, or its operating control transferred from one carrier to another in whole or in part, the successor carrier must file tariff revisions to reflect the name change. The successor carrier may either immediately reissue the entire tariff in its own name, or immediately file an adoption notice. Within 35 days of filing an adoption notice, the successor must reissue the entire tariff in its own name. The reissued tariff must be numbered in the series of the successor carrier, and must contain all original pages without changes in regulations or rates. The transmittal letter must state the tariff is being filed to show a change in the carrier's name pursuant to § 61.171 of the Commission's Rules. The adoption notice, if used, must read as follows: The (Exact name of successor carrier or receiver) here adopts, ratifies and makes its own in every respect, all applicable tariffs and amendments filed with the Federal Communications Commission by (predecessor) prior to (date).

§ 61.172 Changes to be incorporated in tariffs of successor carrier.

When only a portion of properties is transferred to a successor carrier, that carrier must incorporate in its tariff the rates applying locally between points on the transferred portion. Moreover, the predecessor carrier must simultaneously cancel the corresponding rates from its tariffs, and reference the FCC number of the successor carrier's tariff containing the rates that will thereafter apply.

Subpart G - Suspensions

§ 61.191 Carrier to file supplement when notified of suspension.

If a carrier is notified by the Commission that its tariff filing has been suspended, the carrier must file immediately a consecutively numbered supplement without an effective date, which specifies the schedules which have been suspended.

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§ 61.192 Contents of supplement announcing suspension.

- (a) A supplement announcing a suspension by the Commission must specify the term of suspension imposed by the Commission.
- (b) A supplement announcing a suspension of either an entire tariff or a part of a tariff publication, must specify the applicable tariff publication effective during the period of suspension.

§ 61.193 Vacation of suspension order; supplements announcing same; etc.

If the Commission vacates a suspension order, the affected carrier must issue a supplement or revised page stating the Commission's action as well as the lawful schedules.

CODE OF FEDERAL REGULATIONS

TITLE 47 - TELECOMMUNICATIONS

CHAPTER I

FEDERAL COMMUNICATIONS COMMISSION

PART 64 - MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

SUBPART F

**TELECOMMUNICATIONS RELAY SERVICES AND RELATED
CUSTOMER PREMISES EQUIPMENT FOR PERSONS WITH DISABILITIES**

USTA PROPOSED REVISIONS

Subpart F

Telecommunications Relay Services and Related Customer Premises Equipment for Persons with Disabilities

USTA proposes to move the Commission's rules on TRS funding which are currently located in §§ 64.604(c)(4)(ii) through 64.604(c)(4)(iii) to the new public policy Section Z.

§ 64.604 Mandatory minimum standards.

(a)-(b) Unchanged

(c)(1)-(4)(i) Unchanged

(ii) ~~Cost recovery. Costs caused by interstate TRS shall be recovered from all subscribers for every interstate service, utilizing a shared funding cost recovery mechanism. Costs caused by intrastate TRS providers shall be recovered from the intrastate jurisdiction. In a state that has a certified program under § 64.605, the state agency providing TRS shall, through the state's regulatory agency, permit a common carrier to recover costs incurred in providing TRS by a method consistent with the requirements of this section.¹~~

(iii) ~~Telecommunications Relay Services Fund. Effective July 28, 1993, an Interstate Cost Recovery Plan, hereinafter referred to as the TRS Fund, shall be administered by an entity selected by the Commission (administrator). The initial administrator, for an interim period, will be the National Exchange Carrier Association, Inc.²~~

~~(A) Contributions. Every carrier providing interstate telecommunications services shall contribute to the TRS Fund on the basis of its relative~~

¹ This paragraph has been moved to § Z.104(a).

² This paragraph has been moved to § Z.104(b).

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~~share of gross interstate revenues as described herein. Contributions shall be made by all carriers who provide interstate services, including, but not limited to, cellular telephone and paging, mobile radio, operator services, personal communications service (PCS), access (including subscriber line charges), alternative access and special access, packet-switched, WATS, 800, 900, message telephone service (MTS) private line, telex, telegraph, video, satellite, intraLATA, international and resale services.³~~

- ~~(B) Contribution computations. Contributors' contribution to the TRS fund shall be the product of their subject revenues for the prior calendar year and a contribution factor determined annually by the Commission. The contribution factor shall be based on the ratio between expected TRS Fund expenses to total interstate revenues. In the event that contributions exceed TRS payments and administrative costs, the contribution factor for the following year will be adjusted by an appropriate amount, taking into consideration projected cost and usage changes. In the event that contributions are inadequate, the fund administrator may request authority from the Commission to borrow funds commercially, with such debt secured by future year contributions. Each subject carrier must contribute at least \$100 per year. Service providers whose annual contributions total less than \$1,200 must pay the entire contribution at the beginning of the contribution period. Service providers whose contributions total \$1,200 or more may divide their contributions into equal monthly payments. Contributions shall be calculated and filed in accordance with a "TRS Fund Worksheet," which shall be published in the Federal Register. The worksheet sets forth information that must be provided by the contributor, the formula for~~

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~~computing the contribution, the manner of payment, and due dates for payments. The worksheet shall be certified to by an officer of the contributor, and subject to verification by the Commission or the administrator at the discretion of the Commission. Contributors' statements in the worksheet shall be subject to the provisions of Section 220 of the Communications Act of 1934, as amended. The fund administrator may bill contributors a separate assessment for reasonable administrative expenses and interest resulting from improper filing or overdue contributions.⁴~~

~~(C) Data collection from TRS Providers. TRS providers shall provide the administrator with true and adequate data necessary to determine TRS fund revenue requirements and payments. TRS providers shall provide the administrator with the following: total TRS minutes of use, total interstate TRS minutes of use, total TRS operating expenses and total TRS investment in general accordance with Part 22 of the Communications Act, and other historical or projected information reasonably requested by the administrator for purposes of computing payments and revenue requirements. The administrator and the Commission shall have the authority to examine, verify and audit data received from TRS providers as necessary to assure the accuracy and integrity of fund payments.⁵~~

~~(D) The TRS Fund will be subject to a yearly audit performed by an independent certified accounting firm or the Commission, or both.⁶~~

~~(E) Payments to TRS Providers. TRS Fund payments shall be distributed to TRS providers~~

⁴ This paragraph has been moved to § Z.104(b)(2).

⁵ This paragraph has been moved to § Z.104(b)(3).

⁶ This paragraph has been moved to § Z.104(b)(4).

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~~based on formulas approved or modified by the Commission. The administrator shall file schedules of payment formulas with the Commission. Such formulas shall be designed to compensate TRS providers for reasonable costs of providing interstate TRS, and shall be subject to Commission approval. Such formulas shall be based on total monthly interstate TRS minutes of use. TRS minutes of use for purposes of interstate cost recovery under the TRS Fund are defined as the minutes of use for completed interstate TRS calls placed through the TRS center beginning after call set up and concluding after the last message call unit. In addition to the data required under subsection (c) above, all TRS providers, including providers who are not interexchange carriers, local exchange carriers, or certified state relay providers, must submit reports of interstate TRS minutes of use to the administrator in order to receive payments. The administrator shall establish procedures to verify payment claims, and may suspend or delay payments to a TRS provider if the TRS provider fails to provide adequate verification of payment upon reasonable request, or if directed by the Commission to do so. TRS Fund administrator shall make payments only to eligible TRS providers operating pursuant to the mandatory minimum standards as required in Section § 64.604, and after disbursements to the administrator for reasonable expenses incurred by it in connection with TRS Fund administration. TRS providers receiving payments shall file a form prescribed by the administrator. The administrator shall fashion a form that is consistent with Parts 32 and 36 procedures reasonably tailored to meet the needs of TRS providers. The Commission shall have authority to audit providers and have access to all data, including carrier specific data, collected by the fund administrator. The fund administrator shall have authority to audit TRS~~

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~~providers reporting data to the administrator.⁷~~

~~(F) TRS providers eligible for receiving payments from the TRS Fund are:~~

~~(1) TRS facilities operated under contract with and/or by certified state TRS programs pursuant to Section § 64.605; or~~

~~(2) TRS facilities owned by or operated under contract with a common carrier providing interstate services operated pursuant to Section § 64.604; or~~

~~(3) Interstate common carriers offering TRS pursuant to Section § 64.604.⁸~~

~~(G) Any eligible TRS provider as defined in section (F) of this section shall notify the administrator of its intent to participate in the TRS Fund thirty (30) days prior to submitting reports of TRS interstate minutes of use in order to receive payment settlements for interstate TRS, and failure to file may exclude the TRS provider from eligibility for the year.⁹~~

~~(H) Administrator reporting, monitoring, and filing requirements. The administrator shall perform all filing and reporting functions required under Section § 64.604(e)(4)(iii)(a) through (j), inclusive. Beginning in 1994, TRS payment formulas and revenue requirements shall be filed with the Commission on October 1 of each year, to be effective for a one year period beginning the following January 1. The administrator shall report annually to the Commission an itemization of monthly administrative costs which shall consist of all~~

⁷ This paragraph has been moved to § Z.104(b)(5).

⁸ This paragraph has been moved to § Z.104(b)(6).

⁹ This paragraph has been moved to § Z.104(b)(7).

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~~expenses, receipts, and payments associated with the administration of TRS Fund. The administrator is required to keep the TRS Fund separate from all other funds administered by the administrator, shall file a cost allocation manual (CAM), and shall provide the Commission full access to all data collected pursuant to the administration of the TRS Fund. The administrator shall establish a non-paid, voluntary advisory committee of persons from the hearing and speech disability community, TRS users (voice and text telephone) interstate service providers, state regulatory representatives, and TRS providers, which will meet at reasonable intervals (at least semi-annually) in order to monitor TRS cost recovery matters. Each group shall select its own representative to the committee. The administrator's annual report shall include a discussion of advisory committee deliberations.¹⁰~~

- ~~(I) Information filed with the administrator. The administrator shall keep all data obtained from contributors and TRS providers confidential, shall not use such data except for purposes of administering the TRS Fund, and shall not disclose such data in company specific form unless directed to do so by the Commission. The Commission shall have access to all data reported to the administrator, and authority to audit TRS providers.¹¹~~
- ~~(J) The administrator's performance and this plan shall be reviewed by the Commission after two years.¹²~~
- ~~(K) All parties providing services or contributions or receiving payments under this section are~~

¹⁰ This paragraph has been moved to § Z.104(b)(8).

¹¹ This paragraph has been moved to § Z.104(b)(9).

¹² This paragraph has been moved to § Z.104(b)(10).

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~~subject to the enforcement provisions specified
in the Communications Act, the Americans with
Disabilities Act, and the Commission's rules.¹³~~

¹³ This paragraph has been moved to § Z.104(b)(11).